REMARKS/ARGUMENTS

In response to the above-identified Final Office Action dated June 30, 2003, Claims 1-20 remain pending in the present application.

This application is under final rejection. Applicant has presented arguments hereinbelow that Applicant believes should render the claims allowable. In the event, however, that the Examiner is not persuaded by Applicant's arguments, Applicant respectfully requests that the Examiner enter the remarks to clarify issues upon appeal.

For the reasons set forth more fully below, Applicant respectfully submits that the present claims are allowable. Consequently, reconsideration, allowance and passage to issue of the present application are respectfully requested.

The Examiner rejected claims 1-20 under 35 U.S.C. 103(a) as being unpatenable over Rasansky et al. ("Rasansky") in view of Yuen et al. ("Yuen") The Examiner also rejected claims 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Rasansky in view of Tominaga et al. ("Tominaga"). Applicant respectfully disagrees with the rejections.

The present invention overcomes obstacles faced by the local broadcaster or cable operator in implementing a system to insert local commercials at small markets into a national program feed distributed by satellite. Through the present invention, an Internet file server provides an intermediary for file transfers between a local traffic system and a central site server of a digital media distributor system. As described in the specification on page 3, line 21 - page 4, line 2, a digital media distributor (DMD) in accordance with the present invention provides a complete end-to-end system that gives local cable or network affiliates the ability to provide local ads and announcement insertion together with the delivery of cable or network feed(s). Independent claims 1, 8, and 15 recite the features of the digital media distributor system, as described in the specification and the aspect of the local traffic system providing schedule initiation

for local advertisement and announcement times, as presented in the specification on page 8, lines 8-13.

Rasansky is wholly concerned with providing customized personal calendars from information stored in a database through the Internet, so as to obviate the need for special software calendar programs to be purchased by end users (see Abstract). The Appointnet system described by Rasansky provides "an efficient mechanism through which an individual or groups of individuals can set appointments in time and space; organize events; send announcements; and post reminders in such a way that information is available to selected individuals or groups of individuals" (column 5, lines 9-14). In support of the Appointnet system, Rasansky does discuss the use of Internet information server software for a web subsystem through which all interactions between client devices and a database subsystem occur (see cited column 5, lines 52 - column 6, line 3). However, as presented in this section of Rasansky, it is merely "calendars, forms for invitations, announcements, and reminders" that are generated by the Web subsystems using information stored in the database subsystem. Thus, Applicant respectfully submits that Rasansky's Appointnet system fails to teach, show, or suggest the provision of an Internet file server or intermediary for file transfers between a central site server and at least one local traffic system in a digital media distributor system, as recited by the Applicant in independent claims 1, 8, and 15.

Further, even when considering the cited art of Yuen with Rasansky, Applicant respectfully submits that the recited invention is not taught, shown, or suggested. As the Examiner admits, the cited art of Rasansky does not teach the digital media distributor system giving broadcast program affiliates the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system

providing schedule initiation for local advertisement and announcement times. The Examiner

then contends:

> **However, Yuen teaches the digital media distributor system giving broadcast program affiliated [sic] the ability to provide local advertisements and announcement insertion together with delivery of broadcast program feeds and at least one local traffic system providing schedule (col. 30, lines 6-17) initiation for local (col. 3, lines 10-20) advertisement and announcement times (col. 2, lines 20-34, col. 3, lines 25-35, and col. 29, line 25 - col. 30, line 17). It would have been obvious ... to combine the teachings of Rasansky and Yuen to have the digital media distributor system giving broadcast program that enable to provide advertisement and announcement times because it would have an efficient system that can provide specific functions that be made public as in radio or television or a transmission sent to more than one recipient.**

Applicant respectfully disagrees.

The cited art of Yuen provides digital compressed codes that are associated with

advertisements and which a user can enter into a unit to selectively record additional information

broadcast on a television channel at a later time. Thus, Yuen describes a manner of performing

an automated recording function of an advertisement in a VCR for a user based on an entered

code associated with the advertisement. While the advertisements are broadcast to the user in order

to be recorded, Yuen's discussion of the process of performing the automated recording is silent in

regard to the delivery of the advertisements. In contrast, Applicant recites that an Internet file server

provides an intermediary for file transfers between a local traffic system and a central site server

of a digital media distributor system, where the digital media distributor system gives broadcast

program affiliates the ability to provide local advertisements and announcement insertion together

with delivery of broadcast program feeds, and a local traffic system provides schedule initiation for

local advertisement and announcement times. Without further criticality of teaching in Yuen,

Applicant respectfully submits that there is nothing in Yuen's automated advertisement recording

funtionality that teaches or suggests a digital media distributor system, as recited by the

Applicant. Therefore, even if Rasansky were considered with Yuen, Applicant fails to see

anything that teaches or suggests the recited provision of an Internet file server or intermediary

for file transfers between a central site server and at least one local traffic system in a digital

media distributor system of Applicant's independent claims 1, 8, and 15.

Further, dependent claims 2-6 and 9-13 recite the transfer direction by the Internet file

server with the local traffic system for each type of file, which indicate the singular direction of

the transfer for that file type, as described in the specification, including page 8, lines 19-20 ("for

each type of file, transfers occur in only one direction ...). Applicant respectfully submits that the

achievement of efficient file transfer and traffic management in a digital media distributor system

with the present invention is not anticipated or suggested by the Appointnet system of Rasansky,

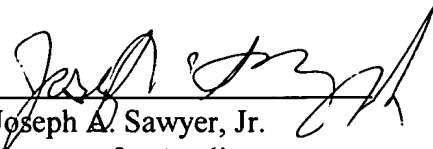even when considered with the advertisement recording functionality of Yuen.

With regard to the reference of Tominaga, Tominaga is cited for teaching the exchanging

of files according to a chosen Internet transfer protocol, including FTP. Given the

aforementioned deficiencies of Rasansky, Applicant respectfully submits that even the inclusion

of the teachings of Tominaga with Rasansky would not result in any teaching or suggestion of the

recited invention.

In view of the foregoing, Applicant respectfully submits that claims 1-20 are not taught,

shown, or suggested by the cited art. Accordingly, Applicant respectfully requests withdrawal of

the rejections under 35 U.S.C. 103(a).

Applicant's attorney believes that this application is in condition for allowance. Should

any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone

number indicated below.

Respectfully submitted,

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Date

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